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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tuvalu, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 59/205 of 20 December 2004, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

Noting the statements made by the Government of the Islamic Republic of Iran on strengthening respect for human rights in the country and promoting the rule of law,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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1. *Welcomes*:

(a) The open invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002 and the cooperation extended to the special procedures of the Commission on Human Rights during their visits;

(b) The visit of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, to the Islamic Republic of Iran from 29 January to 6 February 2005;

(c) The visit of the Special Rapporteur of the Commission on Human Rights on adequate housing as a component of the right to an adequate standard of living to the Islamic Republic of Iran from 19 July to 30 July 2005;

(d) The recommendation by the head of the judiciary of the Islamic Republic of Iran to judges in December 2002 that they choose alternative punishment in cases where the sentence of stoning would otherwise be imposed;

(e) The announcement by the head of the judiciary in April 2004 of the ban on torture and the subsequent passage of related legislation by the Parliament, which was approved by the Guardian Council in May 2004;

(f) The compliance by the Islamic Republic of Iran with its obligation, as party to the Convention on the Rights of the Child, to deliver its presentation to the Committee on the Rights of the Child in January 2005;

(g) The human rights dialogues between the Islamic Republic of Iran and a number of countries, while regretting that a number of these have not met at regular intervals lately;

(h) The cooperation with the United Nations agencies in developing programmes in the field of human rights, good governance and the rule of law;

2. *Expresses its serious concern* at:

(a) The continuing harassment, intimidation and persecution of human rights defenders, non-governmental organizations, political opponents, religious dissenters, political reformists, journalists, parliamentarians, students, clerics, academics and web bloggers, including through undue restrictions on the freedoms of assembly, opinion and expression, the use of arbitrary arrest, targeted at both individuals and their family members and the unjustified closure of newspapers and blocking of Internet sites, as well as the absence of many necessary conditions for free and fair elections, including by the arbitrary disqualification of large numbers of prospective candidates, including all women, during the Presidential elections of June 2005;

(b) The persistent failure to comply fully with international standards in the administration of justice and, in particular, the absence of due process of law, the refusal to provide fair and public hearings, the denial of the right to counsel and access to counsel by those detained, the use of national security laws to deny human rights, the harassment, intimidation and persecution of defence lawyers and legal defenders, the lack of respect for internationally recognized safeguards, inter alia, with respect to persons belonging to religious, ethnic or national minorities, officially recognized or otherwise, the application of arbitrary prison sentences, and the violation of the rights of detainees, including the systematic and arbitrary use of

prolonged solitary confinement, the failure to provide proper medical care to those imprisoned and the arbitrary denial of contact between detainees and their family members;

(c) The continuing use of torture and cruel, inhuman or degrading treatment or punishment such as flogging and amputations;

(d) The continued carrying out of public executions, including multiple public executions and, on a large scale, other executions in the absence of respect for internationally recognized safeguards, and, in particular, deplores the execution of persons who were below 18 years of age at the time their offence was committed, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child[4] and article 6 of the International Covenant on Civil and Political Rights[2] and in spite of the announcement of a moratorium on juvenile executions;

(e) The continuing violence and discrimination against women and girls in law and in practice, despite some minor legislative improvements, and the refusal of the Guardian Council to take steps to address this systemic discrimination, noting in this context its rejection, in August 2003, of the proposal of the elected parliament to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[4]

(f) The continuing discrimination, and other human rights violations against persons belonging to ethnic and religious minorities, recognized or otherwise, including Arabs, Kurds, Baluchi, Christians, Jews and Sunni Muslims, the escalation and increased frequency of discrimination and other human rights violations against the Bahá'í, including cases of arbitrary arrest and detention, the denial of freedom of religion or of publicly carrying out communal affairs, the disregard of property rights, the destruction of sites of religious importance, the suspension of social, educational and community-related activities and the denial of access to higher education, employment, pensions, adequate housing and other benefits and recent violent crackdowns on Kurds;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To ensure full respect for the rights to freedom of assembly, opinion and expression, and the right to take part in the conduct of public affairs in accordance with its obligations under the International Covenant for Civil and Political Rights and, in particular, to end the harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing people imprisoned arbitrarily or on the basis of their political views;

(b) To ensure full respect for the right to due process of law, including the right to counsel and access to counsel by those detained, in criminal justice proceedings and in particular, to ensure a fair and public hearing by a competent, independent and impartial tribunal established by law, to end harassment, intimidation and persecution of defence lawyers and legal defenders and to ensure equality before the law and the equal protection of the law without any discrimination in all instances, including for members of religious, ethnic, linguistic or other minority groups, officially recognized or otherwise;

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[4] United Nations, *Treaty Series*, vol. 1249, No. 20378.

(c) To eliminate, in law and in practice, the use of torture and cruel, inhuman or other degrading treatment or punishment such as amputations and flogging, to end impunity for violations of human rights that constitute crimes by bringing the perpetrators to justice in accordance with international standards and, as proposed by the elected Iranian parliament, to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[7]

(d) To abolish public executions and other executions carried out in the absence of respect for internationally recognized safeguards, in particular executions for persons who, at the time of their offence, were under the age of 18, the latter of which was called for by the Committee on the Rights of the Child in its report of January 2005, and to uphold the moratorium on executions by stoning and to introduce this moratorium as law as a first step towards the abolition of this punishment;

(e) To eliminate, in law or in practice, all forms of discrimination and violence against women and girls and, as proposed by the elected Iranian Parliament, to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[8]

(f) To eliminate, in law or in practice, all forms of discrimination based on religious, ethnic or linguistic grounds, and other human rights violations against persons belonging to minorities, including Arabs, Kurds, Baluchi, Christians, Jews, Sunni Muslims and the Bahá'i, and to address this matter in an open manner, with the full participation of the minorities themselves, to otherwise ensure full respect for the right to freedom of thought, conscience, religion or belief of all persons, and to implement the 1996 report of the Special Rapporteur of the Commission on Human Rights on religious intolerance, which recommended ways the Islamic Republic of Iran could emancipate the Bahá'i community;

4. *Encourages* the thematic mechanisms of the Commission on Human Rights, inter alia, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of human rights defenders and the Working Group on Enforced or Involuntary Disappearances, to visit or otherwise continue their work to improve the human rights situation in the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to cooperate with these special mechanisms and to illustrate how their subsequent recommendations have been addressed, including those of special procedures that have visited in the past twelve months;

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-first session, under the agenda item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

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[7] Ibid., vol. 1465, No. 24841.

[8] Ibid., vol. 1249, No. 20378.